

**FAIR POLITICAL PRACTICES COMMISSION
MAJOR DONOR VIOLATION
STIPULATION, DECISION AND ORDER**

Complainant, Executive Director of the Fair Political Practices Commission, Michael B. Salerno, and Respondent(s) hereby agree that this stipulation will be presented to the Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the Major Donor reporting violation(s) described herein.

FPPC NO. **2008-052**

RESPONDENT: **Capital Insurance Group
Monterey, California**

GOVERNMENT CODE SECTION VIOLATED: **84200**

DESCRIPTION OF VIOLATION: **RESPONDENT QUALIFIED AS A MAJOR DONOR COMMITTEE BUT FAILED TO TIMELY FILE THE MAJOR DONOR COMMITTEE STATEMENT, FORM 461, AS REQUIRED, WITH THE SECRETARY OF STATE.**

REPORTING PERIOD(S): **JANUARY 1, 2004 THROUGH JUNE 30, 2004
JULY 1, 2004 THROUGH DECEMBER 31, 2004
JANUARY 1, 2005 THROUGH JUNE 30, 2005
JANUARY 1, 2006 THROUGH JUNE 30, 2006
JANUARY 1, 2007 THROUGH JUNE 30, 2007**

REPORT DUE DATE(S): **JULY 31, 2004, JANUARY 31, 2005, JULY 31, 2005, JULY 31, 2006,
AND JULY 31, 2007, respectively**

MONETARY PENALTY: **\$2,604** **NUMBER OF COUNTS:** **5**

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Political Reform Act described above and on Exhibit 1 attached have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* on the reverse side of this form and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. I have attached a check or money order made payable to the General Fund of the State of California in the amount of the penalty described above.

Dated: _____ **X** _____

Printed Name (and Title) _____

STATEMENT BY EXECUTIVE DIRECTOR:

I have reviewed the above stipulation and recommend its approval.

Dated: _____
MICHAEL B. SALERNO, EXECUTIVE DIRECTOR

ORDER OF THE COMMISSION:

The foregoing stipulation has been adopted by a majority vote of the Fair Political Practices Commission as its final decision and order and is effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: _____
ROSS JOHNSON, CHAIRMAN

FAIR POLITICAL PRACTICES COMMISSION

STATEMENT OF RESPONDENT'S RIGHTS

The complainant, Executive Director of the Fair Political Practices Commission, and respondent(s), both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of each Respondent named herein.

Each Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under Cal. Gov. Code Sections 83115.5, 11500, *et seq.* and 2 Cal. Code Of Regulations Section 18361, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that each Respondent has violated the Political Reform Act as described herein.

Each Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a fine in the amount specified on the face of this document, and a check or money order in said amount, payable to the "General Fund of the State of California," is submitted herewith to be held by the State of California until the Commission issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is rejected, payments tendered shall be reimbursed to each Respondent. Each Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, no member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

Streamlined Major Donor

Stipulation Attachment

Case: 2008-052

Respondent: Capital Insurance Group

Number of Contributions Made: 22

Total Amount Contributed: \$117,600

| Summary of Contributions Made: | | | |
|--------------------------------|--|---------------|--|
| | Recipient | <u>Amount</u> | |
| | | | |
| | | | |
| | COUNT 1 | | |
| | <u>Contributions During Reporting Period</u> | | |
| | | | |
| 2/25/04 | IBA West California Advocacy Fund | \$30,800 | |
| 3/23/04 | IBA West California Advocacy Fund | \$ 3,500 | |
| 3/25/04 | IBA West California Advocacy Fund | \$ 8,175 | |
| 4/1/04 | IBA West California Advocacy Fund | \$ 4,150 | |
| 4/8/04 | IBA West California Advocacy Fund | \$ 3,900 | |
| 4/20/04 | IBA West California Advocacy Fund | \$ 1,925 | |
| 5/6/04 | IBA West California Advocacy Fund | \$ 500 | |
| 6/8/04 | IBA West California Advocacy Fund | \$ 3,500 | |
| 6/17/04 | IBA West California Advocacy Fund | \$ 3,900 | |
| | | | |
| | COUNT 2 | | |
| | <u>Contributions During Reporting Period</u> | | |
| | | | |
| 7/8/04 | IBA West California Advocacy Fund | \$ 250 | |
| 7/27/04 | IBA West California Advocacy Fund | \$ 250 | |
| 8/24/04 | IBA West California Advocacy Fund | \$ 125 | |
| 8/31/04 | IBA West California Advocacy Fund | \$ 1,750 | |
| 9/9/04 | IBA West California Advocacy Fund | \$ 625 | |
| 9/23/04 | IBA West California Advocacy Fund | \$ 2,750 | |
| 10/5/04 | IBA West California Advocacy Fund | \$ 500 | |
| 10/8/04 | IBA West California Advocacy Fund | \$ 2,500 | |
| 12/9/04 | IBA West California Advocacy Fund | \$ 250 | |
| | | | |

| | | | |
|----------------|---|-----------------|--|
| | COUNT 3 | | |
| | <u>Contributions During Reporting Period</u> | | |
| | | | |
| 4/7/05 | IBA West California Advocacy Fund | \$12,750 | |
| 6/23/05 | IBA West California Advocacy Fund | \$10,000 | |
| | | | |
| | COUNT 4 | | |
| | <u>Contributions During Reporting Period</u> | | |
| | | | |
| 5/23/06 | IBA West California Advocacy Fund | \$12,750 | |
| | | | |
| | COUNT 5 | | |
| | <u>Contributions During Reporting Period</u> | | |
| | | | |
| 4/23/07 | IBA West California Advocacy Fund | \$12,750 | |
| | | | |

Penalty Information:

| | | |
|-------------------------------------|--|--------------------------|
| <input checked="" type="checkbox"/> | Non-filer Base Penalty (\$400 per count) | \$ 2,000.00 |
| <input type="checkbox"/> | Second Notice Enhancement (\$400 per count) | 0 |
| <input type="checkbox"/> | 1% Enhancement for \$50,000 or more in contributions made during reporting period(s) | \$ 604.00 |
| <input type="checkbox"/> | 1% Enhancement for ten or more contributions made during reporting period(s) | 0 |
| | | |
| | <u>TOTAL FINE</u> | <u>\$2,604.00</u> |